

Teachers' Retirement System Board of Control

ELECTION MANUAL

THE
RETIREMENT SYSTEMS
OF
ALABAMA

Composition of the TRS Board of Control

The Board of Control consists of 14 members as follows:

- The State Superintendent of Education, ex officio;
- The State Treasurer, ex officio;
- The State Director of Finance, ex officio;
- The Executive Secretary of the Alabama Education Association, ex officio; and
- Ten members of the Teachers' Retirement System:
 - Two retired members.
 - One city or county superintendent.
 - One principal.
 - One member from postsecondary education.
 - Three teachers who are actively instructing students in grades K-12.
 - Two education support personnel.

Terms of Office

- The ex officio members serve as long as they hold that office.
- All other Board members serve three-year terms.

Vacancies

If a vacancy occurs, it shall be filled for the remainder of the unexpired term through appointment by a simple majority vote of the Board of Control.

Compensation

Members shall serve without compensation for their services, but they shall be reimbursed from the expense fund for all necessary expenses that they may incur through service on the Board of Control.

Oath

Members will take an oath of office within 10 days after their appointment.

Voting

- Each member is entitled to one vote.
- Eight votes in favor of any decision is necessary for a decision by the members at any meeting.
- In case of a tied vote, the decision shall fail.

Chairman

The members of the Board of Control elect a chairman.

Duties of the TRS Board of Control

The members of the Board of Control are the trustees of the retirement funds and are responsible for the management and administration of the retirement system.

The Board of Control has full power to invest and reinvest such funds, through the Secretary-Treasurer, in such classes of bonds, mortgages, common and preferred stocks, shares of investment companies or mutual funds, or other investments the Board may approve, with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

The members of the Board of Control shall elect by a majority vote a Secretary-Treasurer, who shall serve as chief executive officer of the retirement system.

The Board of Control designates a medical board to be composed of three physicians not eligible to participate in the retirement system. The medical board investigates all applications for disability retirement and reports to the Board of Control its conclusions and recommendations.

The Board of Control hires an actuary, an investment advisor, and others as required to conduct business of the retirement system.

The Board of Control appoints an investment committee of three members of the Board, one of whom is the Director of Finance. The investment committee approves investments made by the Secretary-Treasurer. The investment committee acts through the affirmative vote of any two members by written authorization attached to the invoice of the transaction.

Applicable Law

§16-25-19. Administration

(a) The general administration and responsibility for the proper operation of the retirement system and for making effective the provisions of this chapter are hereby vested in a board of trustees which shall be known as the Board of Control and shall be organized immediately after a majority of the trustees provided for in this section shall have qualified and taken the oath of office.

(b) The board shall consist of 14 trustees as follows:

- (1) The State Superintendent of Education, ex officio;
- (2) The State Treasurer, ex officio;
- (3) The State Director of Finance, ex officio;
- (4) The executive secretary of the Alabama Education Association, ex officio; and
- (5) Ten members of the retirement system. Of the 10 members of the retirement system, two shall be retired members, one shall be a city or county superintendent, one shall be a principal, one shall be a member from postsecondary education, three shall be teachers who are actively instructing students in grades K-12, and two shall be educational support personnel, all of whom shall be elected by the members of the retirement system. The 10 elected members shall be elected by the members of the retirement system in a statewide election conducted by the retirement system under such rules and regulations as the Board of Control may adopt to assure that each member will be eligible to vote for each elected position as follows:

- a. Teacher Place #1 for a term of three years beginning July 1, 1974;
- b. Teacher Place #2 for a term of three years beginning July 1, 1974;
- c. Teacher Place #3 for a term of two years beginning July 1, 1974;
- d. Educational Support Personnel Place #1 for a term of three years beginning July 1, 1986;
- e. Educational Support Personnel Place #2 for a term of two years beginning July 1, 1986;
- f. Retired Place #1 for a term of three years beginning July 1, 1974;
- g. Retired Place #2 for a term of three years beginning July 1, 1987;
- h. Superintendents' Place for a term of two years beginning July 1, 1976;
- i. Principals' Place for a term of three years beginning July 1, 1976; and
- j. Postsecondary Place for a term of three years beginning July 1, 1974.

Thereafter each member according to place number shall be elected for three-year terms, according to such rules and regulations as the Board of Control shall adopt to govern such elections. The terms of these officers shall begin after they have qualified and taken the oath of office.

(c) The Board of Control of the Teachers' Retirement System shall provide for annual elections to fill the position of any trustee whose term has expired.

(d) If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the remainder of the unexpired term through appointment by a simple majority vote of the Board of Control.

(e) The trustees shall serve without compensation for their services as trustees, but they shall be reimbursed from the expense fund for all necessary expenses that they may incur through service on the Board of Control.

(f) Each trustee shall, within 10 days after his appointment or election, take an oath of office that, so far as it devolves upon him, he will diligently and honestly administer the affairs of the Board of Control and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the retirement system. Such oath shall be subscribed to by the member making it, certified by the officer before whom it is taken and immediately filed in the office of the Secretary of State.

(g) Each trustee shall be entitled to one vote in the Board of Control. Eight votes shall be necessary for a decision by the trustees at any meeting of said board. In case of a tied vote the decision shall fail.

(h) Subject to the limitations of this chapter, the Board of Control shall from time to time establish rules and regulations for the administration of the funds created by this chapter and for the transaction of its business.

(i) The Board of Control shall elect from its membership a chairman and by a majority vote of all the members shall elect a Secretary-Treasurer, who shall serve as chief executive officer of the retirement system. In addition thereto, the Board of Control may engage such actuarial and administrative officers and other special services as shall be deemed necessary to transact the business of the retirement system. The compensation and expenses of these actuarial and administrative officers and other special services shall be paid at such rates and in such amounts as the Board of Control shall approve. All other employees not in these categories of employment shall be employed under the provisions of the Merit System Act.

(j) The Board of Control shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the retirement system and for checking the experience of the system.

(k) The Board of Control shall keep a record of all its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding school year, the amount of the accumulated cash and securities of the system and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

(l) The Attorney General of the state shall be the legal adviser of the Board of Control.

(m) The Board of Control shall designate a medical board to be composed of three physicians not eligible to participate in the retirement system. If required, other physicians may be employed to report on special cases. The medical board shall arrange for and pass upon all medical examinations required under this chapter, shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the Board of Control its conclusions and recommendations upon all matters referred to it.

(n) The Board of Control shall designate an actuary who shall be the technical adviser of the Board of Control on matters regarding the operation of the funds created by the provisions of this chapter and who shall perform such other duties as are required in connection therewith.

(o) Immediately after the establishment of the retirement system, the actuary shall make such investigation of the mortality, service and compensation experience of the members of the system as he shall recommend and the Board of Control shall authorize, and on the basis of such investigation he shall recommend for adoption by the Board of Control such tables and such rates as are required in subdivisions (1) and (2) of subsection (p) of this section. The Board of Control shall adopt tables and certify rates; and, as soon as practicable thereafter, the actuary shall make a valuation based on such tables and rates, of the assets and liabilities of the funds created by this chapter.

(p) In the year 1943, and at least once in each five-year period thereafter, the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system and shall make a valuation of the assets and liabilities of the funds of the system; and, taking into account the results of such investigation and valuation, the Board of Control shall:

- (1) Adopt for the retirement system such mortality, service and other tables as shall be deemed necessary; and
- (2) Certify the rates of contributions payable by the state under the provisions of this chapter.

(q) On the basis of such tables as the Board of Control shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the funds of the system created by this chapter.

Election Procedures

1. Governance Process

1.1. Election Committee Charter

- 1.1.1. The Chairperson of the Teachers' Retirement System (TRS) Board of Control will appoint a three-member subcommittee from the Board of Control as an Election Committee to oversee the election process.
- 1.1.2. Members of the Board of Control seeking election for a current position on the Board of Control will not be eligible for membership on the Election Committee.

1.2. Election Committee Responsibilities

- 1.2.1. The Election Committee will certify a nominee's eligibility for a place on the official ballot.
- 1.2.2. The Chairperson of the Election Committee will conduct a random drawing of names to determine the order of candidates on the ballot.
- 1.2.3. The Election Committee will disqualify ballots that: fail to clearly indicate the eligible voter's candidate selection; are received after the return date established by the Election Committee; are cast by ineligible voters; or any other legal reason.
- 1.2.4. The Election Committee will certify the results of each election.
- 1.2.5. After the results of the election have been certified, a member of the Election Committee will telephone each candidate with the results.
- 1.2.6. The Election Committee will ensure that the election results are provided for announcement in the *Advisor* and the *AEA Journal*.

2. Nominations

- 2.1. Notice of positions to be filled during the Regular Election will be published in the May, August, and September *Advisor* and *AEA Journal*.
- 2.2. Nomination for any position on the TRS Board of Control will be by written petition.
- 2.3. The nomination petition for a place on the ballot will require the signature of at least 50 active and/or retired members of the TRS. It will also require the legible printing or typing of each member's name and Social Security number as it appears on official TRS records.
- 2.4. Petitions for nomination will be available on the RSA's Web site or from the elections coordinator.

- 2.5. Petitions for nomination for the vacant positions must be received by the elections coordinator no later than September 5.

3. *Eligibility Determination*

3.1. Retired Position

A person who petitions to run for a Retired Position must have formerly been an active member of the TRS and currently on the TRS retirement payroll.

3.2. Superintendent Position

A person who petitions to run for the Superintendent Position must be an active member of the TRS and be in a Superintendent's position with a city or county system.

3.3. Postsecondary Position

A person who petitions to run for the Postsecondary Position must be an active member of the TRS and work in postsecondary education.

3.4. Principal Position

A person who petitions to run for the Principal Position must be an active member of the TRS and be a Principal.

3.5. Teacher Position

A person who petitions to run for a Teacher Position must be an active member of the TRS and actively instructing students in grades K-12.

3.6. Support Personnel Position

A person who petitions to run for a Support Personnel Position must:

- be an active member of the TRS;
- either a maid, custodian, bus driver, lunchroom, or cafeteria worker, secretary, clerk, clerical assistant, maintenance worker;
- or other non-certificated employee who works an average of 20 hours a week.

- 3.7. If a change in the candidate's position has occurred after qualification, the candidate is no longer eligible to run for election.

4. *Validation of Petitions*

- 4.1. Petitions require the signature of at least 50 active and/or retired members of the TRS.

- 4.2. Each name and/or Social Security number on the petition is compared to TRS records to determine validity of membership. If a name and/or Social Security number does not appear in TRS records or if the account is inactive, the name will be declared invalid and will not be counted toward the signature requirement.

- 4.3. Once the validation process is completed, each candidate will be notified in writing of his or her validation status.
- 4.4. It is the responsibility of the Election Committee to certify that a nominee is eligible for a place on the official ballot.

5. *Biographical Sketches and Photos*

- 5.1. A biographical sketch form should be completed by each potential candidate and submitted along with the petition. Biographical sketches will be used for publication on the RSA's Web site and election ballot.
- 5.2. A photo should be submitted for publication on the RSA's Web site and election ballot.

6. *Voting*

- 6.1. Notice of the Board of Control election will be sent from the CEO of the TRS no later than October 20. This notice will be sent to: Superintendents; Principals; two and four-year institutions; universities; miscellaneous TRS agencies; AEA local presidents (active and ESPO); and ARTA local presidents. The notice will encourage participation and will request that announcements be made and information posted. Emphasis will be placed on the fact that all TRS members are eligible to vote. A minimum of five (5) election posters measuring 8 ½ inches by 11 inches will be included with the notice.
- 6.2. A letter will be mailed to the AEA and ESPO Presidents a week after ballots are sent. The letter will emphasize that all members of the TRS are eligible to vote.
- 6.3. A reminder postcard will be mailed to the AEA and ESPO Presidents prior to the deadline for receipt of ballots.

6.4. Ballots

6.4.1. *Order of candidates*

The order of candidates on the ballot will be by a random drawing conducted by the Chairperson of the Election Committee on September 8 or the first business day after. Candidates or their representatives may be present to witness the drawing.

6.4.2. *Mailing of ballots*

Scannable ballots will be mailed no later than October 14 or the first business day following.

- 6.4.2.1. Ballot A – Ballots with return postage to be paid by the TRS will be mailed to the home address of retirees and TRS members employed with colleges, universities or miscellaneous agencies.

6.4.2.2. Ballot B – Ballots and election materials will be mailed to the AEA offices and AEA Presidents who will serve as election officials within the elementary and secondary schools and the junior and technical colleges. ESPO Presidents will aide in serving as election officials.

6.4.2.2.1. AEA offices, AEA Presidents, and ESPO Presidents will provide ballots and ballot boxes in each school to give all active members of the TRS an opportunity to vote.

6.4.3. Receipt of ballots

6.4.3.1. Voted ballots must be received by the TRS before 4:00 p.m. on November 21 or the first business day following.

6.4.3.2. AEA offices, AEA Presidents, and ESPO Presidents must sign the forms provided by the TRS and return these forms along with the ballots as directed by the TRS.

6.4.4. Disqualifying ballots

The Election Committee will disqualify ballots which:

- fail to clearly indicate the eligible voter's candidate selection,
- are received after the return date established by the Election Committee,
- are cast by ineligible voters,
- or any other legal reason.

6.4.5. Counting of ballots

All ballots will be scanned on an electronic scanning machine and the results tabulated.

6.4.6. Certification of ballots

6.4.6.1. The ballots will be canvassed and the results presented to the Election Committee for certification on December 4 or the first business day following.

6.4.6.2. Immediately after the results of the election have been certified, a member of the Election Committee or its designee will telephone each candidate with the results.

6.4.6.3. Each candidate will receive a report of the vote count.

6.4.7. Storage and Destruction of Ballots

Pending any official challenge, ballots will be retained for 60 days following the certification and then destroyed.

7. *Runoff Election*

- 7.1. A runoff election will be held in the event no candidate receives a majority of the votes cast. The two candidates with the most votes will be placed on the ballot for the runoff election.
- 7.2. The order of the candidates on the ballot will remain the same.
- 7.3. The mailing of ballots will be done in the same manner as described in section 6.4.2 with ballots being mailed January 5 or the first business day following.
- 7.4. Runoff ballots must be received in the same manner as described in section 6.4.3 with ballots received by the TRS by 4:00 p.m. on February 9 or the first business day following.
- 7.5. The ballots will be canvassed and the results presented to the Election Committee for certification on February 16 or the first business day following.

8. *Oath of Office*

- 8.1. Within 10 days after certification of the election, each new Board Member will sign an Oath of Office. The Elections Coordinator will immediately file the Oath with the Secretary of State's Office.

9. *Definitions*

Member

Person currently contributing to the TRS as an active or formerly an active of the TRS and is on the TRS retirement payroll.

Active Member

Person currently contributing to the TRS.

Retired Member

Person who is a former active member of TRS and on the TRS retirement payroll.

Voter

Active and retired members of the TRS who may vote for any position regardless of the members' present status.

Petitioner

Active member of the TRS who petitions to run for the TRS Board of Control for a particular position for which he or she qualifies.

Term of Office

The term of office begins on July 1 and is for a period of three years except in the case of an election for an unexpired term which will be for the remainder of the term.

Challenge

Any challenge to the election must be filed in writing with the Chairperson of the TRS Board of Control within 15 days after the certification of the results by the Election Committee. Any challenge will be treated as any other appeal to the Board of Control.

Certification of Election

At the appropriate time, the elections coordinator will certify to the Election Committee the results of the election.

Nominations

Any candidate for a position on the Board of Control will be nominated by a written petition signed by no fewer than 50 active and/or retired members of the TRS.

Election Committee

A three-member subcommittee of the TRS Board of Control will be appointed by the Chairperson of the Board.

10. Election Timeline

May:	Announcement in <i>Advisor</i> and <i>AEA Journal</i>
August:	Announcement in <i>Advisor</i> and <i>AEA Journal</i>
September:	Announcement in <i>Advisor</i> and <i>AEA Journal</i> Petitions for nomination due by the 5 th Drawing for the order of names on the ballot on 8 th
October:	Ballots mailed by the 14 th
November:	Ballots due by the 21 st
December:	Votes certified on the 4 th
January:	Runoff ballots mailed by the 5 th
February:	Runoff ballots due by the 9 th Votes certified on the 16 th

Instructions for Completing Petitions for Nomination of Candidate

- A candidate must obtain a minimum of 50 signatures of active and/or retired members of the Teachers' Retirement System. Members must personally sign and print their name on the petitions. The Retirement Systems of Alabama requires that signers place their Social Security number on this petition because each member's account is maintained under the Social Security number. Consequently, matching Social Security numbers is the method we use to validate signatures on a petition. All information submitted will remain strictly confidential.
- This petition may be duplicated in its entirety.
- Completed petitions must be received by the TRS no later than 4:00 p.m., Friday, September 5, 2003. Only petitions with original signatures are acceptable.
- Candidates are encouraged to file their petitions early. This will allow prompt processing of the petitions before the deadline.
- Candidates are also encouraged to solicit more than the required minimum number of signatures in order to ensure that the minimum number of valid signatures will be met.
- Candidates will be sent written notification declaring them eligible or ineligible to run for election.